

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERT HOLMES III,

Case No. 2:15-cv-02176-APG-CWH

Petitioner,

ORDER

v.

BRIAN WILLIAMS, et al.,

Respondents.

On April 15, 2016, the court dismissed petitioner Robert Holmes III's *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 with prejudice as successive (ECF No. 4), and judgment was entered (ECF No. 6). This is a final order adverse to the petitioner. As such, Rule 11 of the Rules Governing Section 2254 Cases requires this court to issue or deny a certificate of appealability (COA).

Pursuant to 28 U.S.C. § 2253(c)(2), a COA may issue only when the petitioner "has made a substantial showing of the denial of a constitutional right." With respect to claims rejected on the merits, a petitioner "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). For procedural rulings, a COA will issue only if reasonable jurists could debate (1) whether the petition states a valid claim of the denial of a constitutional right and (2) whether the court's procedural ruling was correct. *Id.*

1 Having reviewed its determination that Holmes' petition is successive, the court finds
2 that reasonable jurists would not find this conclusion to be debatable or wrong. The
3 court therefore declines to issue a certificate of appealability in this case.

4 **IT IS THEREFORE ORDERED** that a certificate of appealability is **DENIED**.

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6 DATED: 28 June 2016.

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10 ANDREW P. GORDON
11 UNITED STATES DISTRICT JUDGE
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